



GOVERNMENT OF ASSAM

HILL AREAS DEPARTMENT

NO. HAD. 57/95/316,

Dated Dispur, the 31st Dec, 1996

OFFICE MEMORANDUM

Whereas in pursuance to the Memorandum of Understanding (MoU), reached between the Chief Minister, Assam and the Autonomous State Demand Committee, Karbi Students' Association, N.C. Hills Students' Federation and Dimasa Students' Union on 1st April, 1995 in New Delhi, in the presence of the Union Home Minister, granting greater autonomy to the autonomous Councils of Karbi Anglong and North Cachar Hills within the frame work of the Sixth Schedule to the Constitution of India.

And whereas the Assam Legislative Assembly via its Resolution, dated 12th April, 1995 adopted and approved the aforesaid Memorandum of Understanding, reached on 1st April, 1995 referred to above and the House resolved further

that the jurisdiction of the Karbi Anglong Autonomous Council and North Cachar Hills Autonomous Council for the executive powers would extend to the 30 (thirty) subjects/departments listed in Annexure - I of the Memorandum of Understanding and to that extent the executive powers of the State shall stand entrusted and delegated to the above mentioned Councils.

And whereas the Governor of Assam has been pleased to entrust and delegate the function relating to thirty subjects/departments to which the executive powers of the State of Assam extends with the consent of the Karbi Anglong Autonomous Council and in exercise of the powers conferred under sub-Para (2) of paragraph 6 of the Sixth Schedule to the Constitution, as listed in Annexure - I of the Memorandum of Understanding vide Notification No. HAD. 57/95/63 - 64 dated 29-6-1995 and published in the Official Gazette of the Government of Assam.

The following administrative changes and modalities are adopted for observance by the State Government and the Karbi Anglong Autonomous Council for management of the subjects, mentioned in the MoU dated 1.4.1995. The work Council 1.4.1995. The work Council, wherever it occurs in this Memorandum shall mean "The Karbi Anglong Autonomous Council, Diphu".

The modalities and administrative changes are: -

- (A) In order to enable the Karbi Anglong Autonomous Council to finance the expenditure of the entrusted and delegated functions of the thirty subjects/departments without difficulty, the State Government shall make funds available as advance under the Head – “K – Deposits advances, Part – III Advance not bearing Interest Departmental Advance not bearing Interest Departmental Advance – Special Advance”. The Administrative Departments of the State Government shall release the funds on a six monthly basis in April and October of each financial year. It shall be the duty of the Council to submit separate detailed accounts every month to the Accountant General, Assam to make necessary adjustment by debit to the appropriate Head of Account of the State Budget.

- (B) It shall be the responsibility of the Council to ensure that the existing Rules, instructions, norms guidelines, etc, of the Government of India and the State Government, governing the implementation of the plan

schemes relating to the entrusted subjects/departments and there matters including the non-plan matters relating to the entrusted subjects/departments are followed strictly till the Council frames Rules on the same in terms of the provisions of the Sixth Schedule to the Constitution of India, it being understood that the Rules directions, etc., of the Government of India, Comptroller & Auditor General of India and other sound financial managements/principles shall always be followed.

- (C) The Council shall be competent to sanction reappropriation of funds from one scheme to another within the same Major Head of Account. The State Government shall move for transfer of funds from one Major Head of Account to another Major Head of Account. In respect of any of the thirty entrusted subjects/ departments only on receipt of proposal to this effect from the Council.

- (D) The Council shall be fully responsible to the State Legislature in all matters relating to the funds transferred to the Council and for this purpose, the Principal Secretary and other Secretaries to the Executive Committee of the Council shall be made available for examination by the Public Accounts Committee and other Committees of the State Legislature.

- (E) The Council shall appoint a Principal Secretary of it in the rank of Commissioner & Secretary to the Government of Assam and for this purpose, the Government of Assam will place the services of the IAS Officer of Assam cadre of this rank at the disposal of the Council. The State Government will make available the services of two Officers in the rank of Secretary to the Government of Assam (one of whom will be from a Technical Deptt.) for appointment as Secretaries of the Council. The State Government will also make available three Deputy Secretaries (one of whom will be from a Technical Department and remaining ones from the Assam Civil Services) for appointment as Deputy Secretaries of the Council. All these Officers shall on deputation from the State Government to the council as per usual terms and conditions and their services shall be placed at the disposal of the Council with prior consultation with Council.
- (F) The Zonal Heads of Departments from Hill Areas shall be withdrawn by the State Government Officers in the rank of Additional Chief Engineer, PWD and its equivalent in all the entrusted departments with all administrative, financial and technical powers of the Head of Department delegated by the State Government shall be posted and placed under the administrative control of the Karbi Anglong Autonomous Council. Officers as mentioned above shall be posted within 31st January, 1997. During the

interim period, the existing Zonal Heads of Department stationed in Karbi Anglong District shall be placed under the administrative control of the Karbi Anglong Autonomous Council.

- (G) The Chief Executive Member/Executive Member / Principal Secretary / Secretary to the Executive Committee of the Council shall be competent to initiate/review/accept the annual confidential Reports (ACRS) of all the Officers and staff placed under the administrative control of the Council. The administrative control of Council over the Officers and staff at its disposal shall be complete in all matters of Intra Council transfer and posting. As regards disciplinary actions, against the Officers and staff of the entrusted subjects/departments, the Council shall exercise the powers as the borrowing Authority and the State Government shall exercise the powers as the lending Authority and both the State Govt. and the Council shall follow the relevant rules, regulations etc, of the respective service Rules, (IAS/ACS, etc.).
- (H) The State Government shall consult the Council, while posting and transferring the Officers of the entrusted subjects/departments in or out of the Council. Under no circumstances, the officers and staff not released by the Council shall be accepted by the State Government. Before deputing any Officer or staff the Government shall provide a panel of names, enabling

the Council to select and accept the same. The State Government shall take necessary action under the relevant Rules and procedure against the officers and staff, found involved in any prima-facie case of misconduct/derelection of duty etc. during the period of deputation to the Council even after they are repatriated to the State Government.

- (I) The salary and allowances of the Principal Secretary and other Secretaries/Deputy Secretaries as well as the Officers and staff of the entrusted subjects/departments who are on deputation to the Council shall be paid by the Council and necessary funds for this purpose shall be made available to the Council by the State Government. In respect of provident fund. Group Insurance and other related matters, these Officers and staff shall continue to be controlled by the State Government. The Council shall not be liable to pay any leave salary, pension contribution, etc. In respect of these officers and staff of the entrusted subjects/departments placed under the administrative control.

- (J) The Karbi Anglong Autonomous Council shall prepare the estimates receipts and expenditure pertaining to Karbi Anglong Autonomous District in respect of entrusted subjects/ departments as per the allocations, norms etc. communicated by the State Government.

The State Government shall prepare the estimated receipts and expenditures, pertaining to Karbi Anglong Autonomous District in respect of non-entrusted subjects/departments and forward the same to the Karbi Anglong Autonomous Council.

The Karbi Anglong Autonomous Council in their Council session shall consider the estimated receipts and expenditure pertaining to Karbi Anglong Autonomous District in respect of both entrusted and non-entrusted subjects/departments and send the same along with the synopsis of their consideration to the State Government within the stipulated time as provided for in the paragraph 13 of Sixth Schedule to the Constitution of India.

Ordinarily no change will be made in the estimated receipts and expenditures as considered by the Karbi – Anglong Autonomous Council, in respect of the entrusted subjects/Departments. However, for any reasons, if it becomes necessary to do so, the Council, shall be consulted and reasons for the proposed changes shall be explained.

The State Govt. shall then place the estimated receipts and expenditures as considered by the Karbi Anglong

Autonomous Council, along with the synopsis before the State Legislature as provided for in the paragraph 13 of the Sixth Schedule to the Constitution of India.

- (K) In respect of the entrusted subjects/departments, the Council shall prepare the annual Plan by taking into account the special needs, physical resources, priorities, etc. as per the Annual Plan allocation against each sector/sub-sector, etc. by following the norms and guidelines of the Planning Commission of the Government of India. The Council shall send the Annual plan in respect of the entrusted subjects/departments to the Development Commissioner for Hill Areas of the State Government for inclusion in the Hill Areas Sub-Plan of the State. The other plan activities such as evolution, monitoring, compilation, quarterly review, etc. of the Hill Areas Sub-Plan shall be performed by the development Commissioner for Hill Areas as usual. In the finalisation for the Hill Areas sub-plan of the State of Assam by the Planning Commission of the Government of India, the officials of the Council shall be included in the State delegation.

- (L) There shall not be any common outlay in respect of Karbi Anglong District. The existing schemes under 'common outlay' shall be transferred to the Council as per their geographical locations.
- (M) All Centrally sponsored schemes/Central Sector Schemes/NEC Schemes/Externally Aided Schemes, etc. in respect of the entrusted subjects/departments for which fund will be released by the State Government to the Council as per sanction and release by the Government of India to the State Govt. shall be implemented by the Council as per the norms and guidelines of the Government of India and communicated by the State Government.
- (M) All.
- (N) In case of any confusion/doubt/interpretation of any clause/clauses of the MoU, etc. arising out of any matter in exercise of the aforesaid delegated and entrusted powers, the matter shall be referred to the Governor for final decision.

This Office, memorandum is issued due consultation and with the consent of the Karbi Anglong Autonomous Council and it supersedes the Office Memorandum issued earlier from time to time on this subject in so far as they relate to the Karbi Anglong Autonomous Council. However, all actions

taken acts done under the office Memorandum, so superseded shall be deemed to have been validly taken or done.

This Office Memorandum comes into force with immediate effect.

Sd/ -

(T.K. Kamilla) dt. 31.12.96.

Chief Secretary to the Govt. of Assam.